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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,726	03/09/2004	Ramesh Keshavaraj	5714	1775
7590		07/13/2007		
Sara M. Current				
Legal Department, M-495				
PO Box 1926				
Spartanburg, SC 29304				
			EXAMINER	
			ILAN, RUTH	
			ART UNIT	PAPER NUMBER
			3616	
			MAIL DATE	DELIVERY MODE
			07/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/796,726

Applicant(s)

KESHAVARAJ, RAMESH

Examiner

Ruth Ilan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8, 10-19, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 10-19, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 4/5/07. These drawings are approved.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 7, 8, 12-15, 19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soriano et al. (GB 2 390 574 A) in view of Bauer et al. (US 5,456,493.) Soriano et al. teaches an airbag cushion with a front and rear panel (4 and 3) each of the panels includes perpendicularly arranged sets of yarns and the yarns at the front panel are at a bias to the yarns at the rear panel (see page 2, and Figure 5.) Regarding claims 3 and 7, the panels have a four sided polygonal configuration. Regarding claims 12-15, the panels can be square, triangular, or rectangular (since squares are rectangles.) Regarding claims 2 and 8, Soriano et al. discusses warps and wefts for the fabric, but does not per se indicate that the fabric is woven. Weaving is a well known manufacturing process, and Soriano et al. does show what appears to be the schematic representation of a woven fabric. It would have been obvious to one having ordinary skill in the art at the time of the invention to understand that the fabric of Soriano et al. is woven, since the discussion is of warps and wefts, and since weaving is a well known manufacturing technique for air bag fabrics. Soriano et al. fails to teach a

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rectangular peripheral side panel. Bauer et al. teaches that it is known to provide a rectangular side panel, and that such a panel provides an advantage over airbags that have the front and rear panel sewn directly to each other, in that the use of the side panel provides an elongated shape that allows the air bag to inflate more rapidly and directly toward the occupant into protective cushioning contact so as to reduce the chances that the occupant will be subjected to excessive movement (see abstract, and col. 2, lines 35-38, col. 4, lines 22-35.) In view of the teaching of Bauer, it would have been obvious to one having ordinary skill in the art to include a peripheral side panel between the front and rear panels of Soriano, in order to provide an elongated shape that allows the air bag to inflate more rapidly and directly, and reduce the chance that the occupant will be subjected to excessive movement.

4. Claims 5, 6, 10, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soriano et al. (GB 2 390 574 A) in view of Bauer et al., and further in view of Lewis (EP 0 786 382 A1.) The combination of Soriano et al. and Bauer is discussed above and doesn't teach rounded corners and concave sides. Lewis teaches panels with concave sides and rounded corners (14a) which are used because rounded corners mitigate the stress at sewn junctions, when compared to angled corners (see col. 1, lines 35-39.) Additionally, the more rounded end panels are easier to sew, which reduces production time and additionally distribute the load more evenly (col. 2, line 53- col. 3, line 6.) It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the air bag of Soriano et al. in view of Bauer et al., in view of the teaching of Lewis, to include rounded corners and concave sides, in order to

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ease the fabrication process and distribute the load more evenly, so as to minimize the potential for failure.

Response to Arguments

5. Applicant's arguments filed 4/5/07 have been fully considered but they are only partially persuasive. With respect to the 112 1st paragraph rejection, these arguments are persuasive, and this rejection has not been continued. With respect to the arguments related to the prior art rejections, these arguments are not persuasive. The arguments are, first that Bauer et al. teaches away from the invention because Bauer et al. only discloses circular end walls (see applicant's remarks, p. 10, first full paragraph) and that secondly, there is no motivation in the references to combine the teaching of the two patents. Regarding the issue of teaching away, the Examiner respectfully disagrees. Bauer teaches the advantage of an additional panel used with an airbag that in the prior art would be two panels sewn together. The additional panel increases the depth. One having ordinary skill in the art would easily understand that such an improvement would occur no matter what the shape of the end of the end panels. Advocating circular end walls is not the same as advocating against other shapes. Regarding the second issue, that of motivation, Bauer teaches that protection is obtained sooner with a deeper bag. It has been held that if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill. KSR Int'l Co. v. Teleflex Inc., No. 04-1350, 550 U.S. ___, 82 U.S.P.Q.2d ___, 2007 WL 1237837 (Apr. 30, 2007). In the

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instant situation, a person of ordinary skill would be implicitly motivated by the improvement taught by Bauer to apply it to end panels of different shapes.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

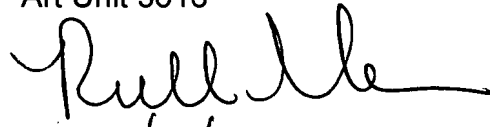
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RI

Ruth Ilan
Primary Examiner
Art Unit 3616


7/6/07